

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

*In Re: Cook Medical, Inc.,
Pelvic Repair System Products Liability Litigation*
MDL No. 2440
Civil Action No. 2:15-cv-11791

SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for their Complaint against the Defendants named below, incorporate the Master Complaint in MDL No. 2440 by reference. Plaintiff(s) further show the court as follows:

1. Female Plaintiff

Bonnie Griffin Barnes

2. Plaintiff Spouse (if applicable)

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

N/A

4. State of Residence

North Carolina

5. District Court and Division in which venue would be proper absent direct filing

United States District Court for the State of North Carolina

6. Defendants (Check Defendants against whom Complaint is made):



A. Cook Incorporated

- ☒ B. Cook Biotech, Inc.
- ☒ C. Cook Medical, Inc.
- ☐ D. American Medical Systems, Inc. ("AMS")
- ☐ E. Ethicon, Inc.
- ☐ F. Johnson & Johnson
- ☒ G. Boston Scientific Corporation
- ☐ H. C. R. Bard, Inc. ("Bard")
- ☐ I. Sofradim Production SAS ("Sofradim")
- ☐ J. Tissue Science Laboratories Limited ("TSL")
- ☐ K. Mentor Worldwide LLC
- ☒ L. Coloplast Corp.
- ☐ M. Desarrollo e Investigación Médica Aragonesa, S.L. ("DIMA")
- ☐ N. Neomedic International, S.L.
- ☐ O. Neomedic Inc.
- ☐ P. Specialties Remeex International, S.L.

7. Basis of Jurisdiction

- ☒ Diversity of Citizenship
- ☐ Other: _____

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

11, 12 and 13

B. Other allegations of jurisdiction and venue

N/A

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- ☐ A. Biodesign® or Surgisis® Tension-Free Urethral Sling;
 - ☒ B. Biodesign® or Surgisis® Urethral Sling;
 - ☐ C. Stratisis™ Urethral Sling;
 - ☐ D. Biodesign® or Surgisis® Anterior Pelvic Floor Graft;
 - ☐ E. Biodesign® or Surgisis® Posterior Pelvic Floor Graft;
 - ☐ F. Biodesign® or Surgisis® 4-Layer Tissue Graft;
 - ☐ G. Biodesign® or Surgisis® 1-Layer Tissue Graft;
 - ☐ H. Biodesign® or Surgisis® 8-Layer Tissue Graft;
 - ☐ I. Biodesign® or Surgisis® Vaginal Erosion Repair Graft;
 - ☐ J. Biodesign® or Surgisis® Peyronie's Repair Graft;
 - ☐ K. Cook Pelvic Repair Product(s), specific product name(s) unknown at present;
 - ☒ L. Non-Cook Pelvic Repair Product(s) known as Coloplast - MPathy; and/or
 - ☒ M. Other: Boston Scientific - Repliform
-

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- ☐ A. Biodesign® or Surgisis® Tension-Free Urethral Sling;
- ☒ B. Biodesign® or Surgisis® Urethral Sling;
- ☐ C. Stratisis™ Urethral Sling;

- ☐ D. Biodesign® or Surgisis® Anterior Pelvic Floor Graft;
 - ☐ E. Biodesign® or Surgisis® Posterior Pelvic Floor Graft;
 - ☐ F. Biodesign® or Surgisis® 4-Layer Tissue Graft;
 - ☐ G. Biodesign® or Surgisis® 1-Layer Tissue Graft;
 - ☐ H. Biodesign® or Surgisis® 8-Layer Tissue Graft;
 - ☐ I. Biodesign® or Surgisis® Vaginal Erosion Repair Graft;
 - ☐ J. Biodesign® or Surgisis® Peyronie's Repair Graft;
 - ☐ K. Cook Pelvic Repair Product(s), specific product name(s) unknown at present;
 - ☒ L. Non-Cook Pelvic Repair Product(s) known as Coloplast - MPathy; and/or
 - ☒ M. Other: Boston Scientific - Repliform
-

10. Date of Implantation as to Each Product

10/03/2011

11. Hospital(s) where Plaintiff was implanted (including City and State)

Novant Health Presbyterian M.C.

Charlotte, NC

12. Implanting Surgeon(s)

William E. Porter, MD

13. Counts in the Master Complaint brought by Plaintiff(s)

- ☒ Count I - Negligence
- ☒ Count II - Strict Liability – Manufacturing Defect
- ☒ Count III - Strict Liability – Failure to Warn

- ☒ Count IV - Strict Liability – Defective Product
- ☒ Count V - Strict Liability – Design Defect
- ☒ Count VI – Common Law Fraud
- ☒ Count VII - Fraudulent Concealment
- ☒ Count VIII - Constructive Fraud
- ☒ Count IX - Negligent Misrepresentation
- ☒ Count X - Breach of Express Warranty
- ☒ Count XI - Breach of Implied Warranty
- ☒ Count XII - Violation of Consumer Protection Laws
- ☒ Count XIII - Gross Negligence
- ☒ Count XIV - Unjust Enrichment
- ☐ Count XV - (By the Spouse) – Loss of Consortium
- ☒ Count XVI - Punitive Damages
- ☒ Count XVII - Discovery Rule and Tolling
- ☐ Other _____ (please state the facts supporting this Count in the space, immediately below)

s/Peyton P. Murphy

Attorney(s) for Plaintiff

Address, phone number, email address and bar information:

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